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OFFICE OF PETITIONS

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In re Patent No. 7,507,706 :
Issue Date: March 24, 2009 :
Application No. 09/868,123 : DECISION ON PETITION
Filed: April 2, 2002 :
Attorney Docket No. W2023-7013/G15268A2 :

This is a decision on the Request For Issuance To Co-Assignee Under 37 C.F.R. §3.81(b), filed April 14, 2010, requesting correction on the Title Page of the subject patent, via issuance of a Certificate of Correction under 37 CFR 1.323, to add a second assignee's name. The Request is being treated as a Petition. A completed Certificate of Correction Form (PTO/SB/44) was submitted the petition.

The petition under 37 CFR §3.81 is **DISMISSED**.

Petitioner urges that the present Petition was submitted to include the second assignee's name on the previously submitted PTOL-85B and that such omission was inadvertently omitted on form PTOL-85B. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of a Certificate of Correction (PTO/SB/44), to add the inadvertently omitted second assignee's name as follows:

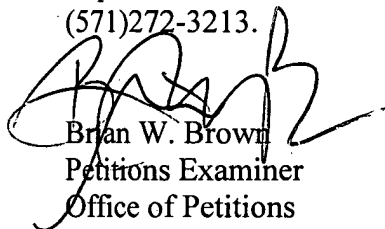
"The John Hopkins University, Baltimore, MD (US)".

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

U.S. Patent and Trademark Office assignments records disclose that an assignment *The Johns Hopkins University* was recorded on May 4, 2010. Therefore, the recorded assignment was **after the date of issuance of this patent**. Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certification of correction would not be proper. Also, the petitioner argues that "The "continuations" and "continuing applications" include continuation-in-part applications ... should be transferable to the present continuation-in-part application", however, it is not relevant to transfer assignments to continuation-in-part applications. *See MPEP 306.*

Inquiries related this communication should be directed to Cheryl Gibson-Baylor at (571)272-3213.



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